

SOURCE: 50 FR 11643, Mar. 22, 1985, unless otherwise noted. Redesignated at 67 FR 42382, June 21, 2002.

Subpart A [Reserved]

Subpart B—Tuition Fees

§ 42.10 Tuition fees.

The National Mine Health and Safety Academy, located in Beckley, West Virginia, will charge tuition fees to all persons attending Academy courses, except employees of Federal, State, or local governments, persons attending the Academy under a program supported through an MSHA State grant, and persons performing a direct service. Also, subject to available resources, MSHA may waive all or part of fees for students, or persons employed by a non-profit organization, who are invited by MSHA to attend an Academy course which would, in the Agency's judgment, contribute to improved conduct, supervision, or management of a function or activity under the Federal Mine Safety and Health Act of 1977 or a function related to an MSHA appropriation. requests for waivers must be in writing.

[62 FR 60985, Nov. 13, 1997]

§ 42.20 Schedule of fees.

(a) Tuition fees will be computed on the basis of the cost to the Government for the Academy to conduct the course, as determined by the Superintendent of the Academy.

(b) The tuition fee for each course will be stated in the course announcement and will be reassessed on an annual basis.

§ 42.30 Procedure for payment.

When notified of acceptance for a course by the Academy, applicants shall submit a check or money order to the Academy, payable to the "Mine Safety and Health Administration" in the amount indicated by the course announcement prior to the commencement of the course.

§ 42.40 Refunds.

An applicant may withdraw an application and receive a full refund of tuition fees provided that written notification

to the Academy's Student Services Branch is mailed no later than 14 days before the course begins.

Subpart C—Room and Board

§ 42.50 Charges for room and board.

The Academy will charge room and board to all persons staying at the Academy, except MSHA personnel, persons attending the Academy under a program supported through an MSHA State grant, and persons performing a direct service. Also, subject to available resources, MSHA may waive all or part of fees for students, or persons employed by a non-profit organization, who are invited by MSHA to attend an MSHA-sponsored training or meeting which would, in the Agency's judgment, contribute to improved conduct, supervision, or management of a function or activity under the Federal Mine Safety and Health Act of 1977 or a function related to an MSHA appropriation. Requests for waivers must be in writing. Charges for room and board will be based upon the average cost per person of the lodging, meals, and services provided and will be reassessed on an annual basis.

[62 FR 60985, Nov. 13, 1997]

PART 43—PROCEDURES FOR PROCESSING HAZARDOUS CONDITIONS COMPLAINTS

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AUTHORITY: Secs. 103(g), and 508, Federal Mine Safety and Health Act of 1977 Pub. L. 95-164, 91 Stat. 1298 83 Stat. 803 (30 U.S.C. 813(g) and 957); sec.

§ 43.1

307, Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 91 Stat. 1322 (30 U.S.C. 801 note).

SOURCE: 43 FR 29515, July 7, 1978, unless otherwise noted.

Subpart A—General

§ 43.1 Definitions.

For purposes of this part, *Act* means the Federal Mine Safety and Health Act of 1977, Pub. L. 95-173, as amended by Pub. L. 95-164, and “Secretary” means the Secretary of Labor or his designee.

§ 43.2 General.

(a) Under section 103(g)(1) of the Act, a representative of miners, or where there is no such representative, a miner, who has reasonable grounds to believe that a violation of the act or a mandatory health or safety standard exists, or an imminent danger exists, has a right to obtain a special inspection if he or she gives notice of such violation to the Secretary or his duly authorized representative. The notice shall be reduced to writing and signed by the miners’ representative or miner, and a copy that does not reveal the name of the person giving the notice must be served on the operator no later than at the time of the inspection. If the Secretary determines that a violation or danger does not exist, he must so notify the miners’ representative or miner in writing.

(b) Under section 103(g)(2) of the Act, a representative of miners or, if there is no such representative, a miner, may notify in writing an authorized representative of the Secretary who is on mine premises prior to or during an inspection, of any violation or imminent danger which he or she has reason to believe exists in the mine. There shall be procedures for the informal review of any refusal by the Secretary’s authorized representative to issue a citation with respect to such alleged violation or danger, including notification to the miners’ representative or miner

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of the reasons for his disposition of the case.

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[43 FR 29515, July 7, 1978, as amended at 47 FR 14696, Apr. 6, 1982; 60 FR 33722, June 29, 1995]

§ 43.3 Purpose and scope of this part.

This part sets forth the procedures for giving notice to the Secretary under section 103(g)(1) of the Act, for responding to such notices and for reviewing refusals by authorized representatives of the Secretary to issue citations or orders under section 103(g)(1) or (g)(2). Specifically, Subpart B details the steps to be taken by a representative of miners or a miner in making a request for a special inspection and by the Secretary in processing and taking action on such a request under section 103(g)(1). Subpart C sets forth informal review procedures which a representative of miners or a miner may request under sections 103(g)(1) and (g)(2) where no citation or order is issued under those sections.

Subpart B—Special Inspections

§ 43.4 Requirements for giving notice.

(a) A representative of miners or, where there is no such representative, a miner, who has reasonable grounds to believe that a violation of the act or a mandatory health or safety standard exists, or that an imminent danger exists, may obtain a special inspection by giving notice to the Secretary or any authorized representative of the Secretary of such violation or danger.

(b) Any such notice shall set forth the alleged violation or imminent danger and the location of such violation or danger and shall be reduced to a writing signed by the representative of miners or miner giving such notice.

(c) A copy of such written notice shall be provided to the operator or his agent by the Secretary or his authorized representative no later than the time that the inspection begins. In addition, if the notice indicates that an imminent danger exists, the operator or his agent shall be notified as quickly as possible of the alleged danger. The name of the person giving such notice